

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 903 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
19/03/1999 in WP NO : 16216 OF 1997 on the file of the High Court.)

Between:

1. The Andhra Pradesh State Handloom Weavers Co-operative Society Ltd.,

(APCO) 3-5-770, Weavers Bhavan, Vittalvadi, Narayanguda,
Hyderabad, rep. by its Vice Chairman and M.D.

2. The A.P.State Handloom Weavers Co-operative Society Ltd., 3-5-770,

Weavers Bhvan, Vittalvadi, Narayanguda, Hyderabad, rep. by its

General Manager.

3. The Financial Controller, APCO Weavers Bhavan, Vittalwadi,
Narayanlguda, Hyderabad.

4. The APCO Textile Processing Factory , 3-5-770, Wevers Bhavan,
Vittalwadi, Narayanguda, Hyderabad, rep. by its General Manager.

..... APPELLANTS/ RR 2 to 5

AND

1. Andhra Pradesh State Handloom Weavers Co-operative Society Ltd.,

(APCO) Staff Union, APCO Bhavan, Vittalvadi, Narayanguda, Hyderabad
rep. by its General Secretary D. Jaya Prakash

Respondent/Petitioner

2. The Government of AP rep. by its Director, Handloom & Textile
Department, BRKR Complex, Tank Bund, Hyderabad.

.....RESPONDENT/Respondent

Counsel for the Appellants: MR.M.PANDURANGA RAO

Counsel for the Respondent No.1: MR.K.RAMESH BABU

The Court made the following :

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JUDGMENT (per Hon'ble Smt Justice T. Meena Kumari):

Challenging the orders passed by the learned Single Judge of this Court in WP No. 16216 of 1997 dated 19-3-1999 with regard to the directions issued to implement the revision of pay scales in so far as the employees of erstwhile A.P. State Textile Processing Co-operative Society Limited, merged with A.P. State Handloom Weavers Co-operative Society Limited pursuant to Act 14 of 1983 (for short "the Act") respondents 2 to 5 therein filed the present appeal.

The first respondent staff Union is the writ petitioner. The writ petition was filed seeking a writ of mandamus declaring the action of the respondents in not releasing and paying the arrears of pay Revision (1) 9-1-92 w.e.f. 1.4.1990 and (2) 14-4-96 w.e.f. 1-7-92 with monetary benefit from 1-4-94 to the erstwhile APROS employees and 58 members of the petitioner union as arbitrary, and illegal and consequently direct the respondents to implement the proceedings of the 2nd respondent in EST/APROS-Staff Pay Fixation/Co. 96-97 dated 30-12-1996 and pay all arrears of pay Revision to the 58 members of the petitioners Union (Erstwhile APROS employees) on par with other APCO employees. The learned single Judge directed the respondents to implement the revision of pay scales in so far as the employees of erstwhile A.P. State Textile Processing Co-operative Society Limited, merged with A.P. State Handloom Weavers Co-operative Society Limited within eight weeks from the date of the receipt of the order.

Heard both sides.

It has been argued by the learned counsel for the appellants Society that the respondents are not entitled to claim the merger of pay scales from the year 1992, in

view of the fact that as per sub-clause (2) of Section 7 of the Act the conditions of the employment are duly altered by the transferee society. Therefore, in the absence of such alterations, the respondents cannot claim, as matter of right, the revision of pay scales from the year 1992. There was no discrimination in extending the benefits to some of the employees and denying the same to the writ petitioners. Hence, the impugned order is liable to be set aside.

Per contra, the learned counsel for the respondents' employees argued that with respect to the implementation of the pay scales of 1992, out of the 225 employees, 167 employees were given the benefit and were being paid the revised pay scales of 1992, the transferee Society cannot deny to extend the same benefit to the rest of the 58 employees. Hence, they filed the writ petition seeking implementation of the proceedings of the 2nd respondent in EST/APROS- Staff pay Fixation/Co. 96-97 dt.30-12-1996 and for payment of all arrears of pay revision to the 58 members of the petitioners Union immediately on par with other APCO employees.

Perused the impugned order. A Division Bench of this Court has granted status quo as on the date of the passing of the order dt. 11-7-2001. It is very pertinent to observe that there is no material placed either before the learned single Judge or before this Court by the appellant society with regard to non-extention of the revised pay scales of 1992 to the left over 58 employees of the transferee society. Contradicting the submission made by the counsel for the appellants, 167 employees were already extended with the same benefit and the 58 employees of the 1st respondent union have been discriminated. Further, it has to be observed that the submission made by the counsel for the appellants that the terms and conditions of the employment have to be altered by the transferee society. Sub-clause (2) of Section 7 of Act 14 of 1983 is relating to claiming of rights and privileges as to Gratuity and other retirement benefits but not with reference to the revision of pay scales. But, neither any material is placed nor any reasons are forthcoming from the appellant society before this Court for not extending the same benefit to these 58 employees of the 1st respondent union. In the absence of such material, it has to be held that there cannot be any discrimination with regard to the extention of revision of pay scales from 1-4-1992 for the left over 58 employees with the same benefit that has been extended to 167 employees. Hence, we do not find any reason to interfere with the orders of the learned single Judge.

Accordingly, the writ appeal is dismissed confirming the order of the learned single Judge. However, we make it clear that this order is confined only to the 62 employees of the 1st respondent union who were on the rolls of the union on the date of filing of the writ petition. No costs.

(T. MEENA KUMARI, J)

Dt. 16-2-2005

(S. ANANDA REDDY, J)

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Copies to

1. The General Secretary Andhra Pradesh State Handloom Weavers Co-operative Society Ltd., (APCO) Staff Union, APCO Bhavan, Vittalvadi, Narayanguda, Hyderabad
2. The Director, Government of AP, Handloom & Textile Department, BRKR Complex, Tank Bund, Hyderabad.
3. Two CD copies